

CHAPTER 188
(CORRECTED COPY)

AN ACT relating to matters of civil law by providing financial relief to certain landlords and tenants in response to the COVID-19 pandemic and by altering certain court fees, supplementing Title 52 of the Revised Statutes, and amending P.L.2020, c.1 and P.L.1991 c.177, and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:27D-287.7 Findings, declarations.

1. The Legislature finds and declares that:

a. The mortal threat posed by the COVID-19 pandemic compelled the Governor and Legislature to take drastic but necessary action. Executive Order No. 103 of 2020 effectively shut down the New Jersey economy on March 9, 2020, in order to hinder the rapid spread of the virus and to limit as much as possible the number of infections, severe illnesses, and deaths. During the same time period, the Governor and Legislature enacted P.L.2020, c.1 (C.2A:18-59.3) and the Governor issued Executive Order No. 106 of 2020, and implemented a moratorium on evictions, so as to ensure that during the covered period, households would be able to shelter in place and eliminate the threat posed by displacement, overcrowding, and the resultant spread of the virus.

b. The foregoing measures caused severe economic difficulties for landlords and tenants alike. Tenants, who in general have lower-incomes and far less wealth than homeowners, have been disproportionately affected: a large number of them immediately became and remain unemployed or underemployed. This is especially so for lower-income people of color, who are predominantly tenants and who continue to be victimized by systemic and structural racism, which has left them severely disadvantaged and extremely vulnerable to health emergencies and economic downturns.

c. Millions of jobs in our State and elsewhere have been permanently lost, and a significant number of jobs abruptly interrupted by the virus-driven shutdown have yet to return.

d. As a result, thousands of tenants in our State are unable to pay all or even part of the rental arrearages caused by the pandemic when the moratorium ends, and these tenants will also find it extremely difficult to make their future, ongoing regular monthly rental payments once they resume.

e. An overwhelming number of struggling tenant households, that are disproportionately Black and brown, will therefore be at risk of eviction for non-payment of all or part of their rent due and owing shortly after the moratorium is lifted. Combining the number of struggling tenants with the number of people at risk of displacement if the arrearage and future rent payment issues are not addressed, evictions and the resulting overcrowding, could create conditions that will lead to a resurgence and new spread of COVID-19.

f. At the same time, landlords have shouldered the financial burden of housing over a million tenants, as well as the costs of maintaining the buildings, paying their mortgages, taxes, and other financial obligations with insufficient help from the State or federal government.

g. While housing is a necessity, private sector landlords have thus far maintained their properties and paid their financial obligations, including State and local taxes, despite a lack of full compensation or assistance.

h. In Executive Order No. 106 of 2020, the Governor expressly stated that protection and preservation of personal and public health was the primary reason driving the imposition of the economic shutdown and eviction moratorium, a health-centered concern echoed and reinforced by the national eviction moratorium subsequently mandated by the federal Centers for Disease

Control and Prevention. With the surge in vaccinations and a corresponding drop in COVID-19 pandemic-related hospitalizations, the public health justification to maintain the eviction moratorium will eventually subside, and the Legislature deems it necessary to help struggling tenants avoid displacement and to compensate landlords for providing this necessary shelter to many tenants without compensation during the pandemic.

i. In providing these protections, the State must ensure that rent arrearages accrued during the covered period are not used as a mechanism for eviction. Rather, such debt shall be treated as civil debt, subject to recovery by the landlord in a civil suit for a money judgment, which will balance the obligations of the tenant under a lease contract with the need to provide housing stability.

j. It is, therefore, necessary for the Legislature to assist landlords who have suffered deep economic losses through no fault of their tenants or themselves, and, simultaneously, make efforts to assist tenants who need help as a result of this crisis, in order to ensure some measure of security and stability for their families and communities; provide landlords with the restored rental income stream required to safely and efficiently operate their buildings; and prevent a resurgence of the COVID-19 pandemic that will threaten the health and safety of tenants, landlords, and the public at large.

C.52:27D-287.8 Definitions.

2. As used in P.L.2021, c.188 (C.52:27D-287.7 et al.):

“Area median income” means the median income by household size for an applicable county as determined by the department. “Assistance” means cash payments for unpaid rent provided to the landlord by any federal, State, county, or local rental assistance program, including, but not limited to, payments ultimately provided to a landlord through an application submitted by a tenant through the Eviction Prevention Program, as established pursuant to section 4 of P.L.2021, c.188 (C.52:27D-287.10).

“Commissioner” means the Commissioner of Community Affairs.

“Covered period” means the period beginning on March 1, 2020, and ending on August 31, 2021.

“COVID-19 pandemic” means the outbreak of COVID-19 throughout the world, recognized as a pandemic by the World Health Organization on March 11, 2020.

“Credit reporting agency” means any consumer reporting agency as that term is defined by the federal “Fair Credit Reporting Act,” 15 U.S.C. s.1681 et seq., which shall include any agencies which specialize in tenant screening or rental history reporting.

“Deep subsidy” means a rental housing subsidy which limits the tenant’s share of the monthly rent to a percentage of the tenant’s income, and which can be adjusted to maintain that percentage should the tenant’s income change.

“Department” means the Department of Community Affairs.

“Household income” means the lower of the following numbers: (1) the combined income of all household members over the twelve months immediately preceding an application for assistance or protection, or (2) the combined income of all household members in the three months immediately preceding an application for assistance or protection, annualized by multiplying the combined income by a factor of four.

“Low-income household” means a household with a total current annual household income equal to 50 percent or less of the area median income for a household of the same size and composition.

“Middle-income household” means a household with a total current gross annual household income of 80 percent or more than, but less than 120 percent of, the area median income for a household of the same size and composition.

“Moderate-income household” means a household with a total current gross annual household income in excess of 50 percent but less than 80 percent of the area median income for a household of the same size and composition.

“Shallow subsidy” means a rental housing subsidy that limits the tenant’s share of the rent to a percentage of the tenant’s income, provided however, that the subsidy shall be capped at a fixed amount.

“Very low-income household” means a household with a total current annual household income less than or equal to 30 percent of the area median income for a household of the same size and composition.

C.52:27D-287.9 Eviction under certain circumstances prohibited.

3. a. Notwithstanding any other law to the contrary, no residential tenant of a very low-income household, low-income household, moderate-income household, or middle-income household shall be evicted based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, that accrued during the covered period. Payments made by a tenant after the covered period ends shall be credited first to the current month’s rental obligation, and any balance shall be credited to any arrearage owed by the tenant incurred following the conclusion of the covered period, and then to any arrearages incurred during the covered period.

b. Any amount of rent found by a court to be due and owing by a residential tenant described in subsection a. of this section to a landlord during the covered period for which compensation is not otherwise provided by any public or private source, shall be considered civil debt and may be pursued as a money judgment in the appropriate division of the Superior Court. Such civil debt based on rental arrears shall be considered evidence of housing instability or risk of homelessness for the purpose of qualifying a household for rental assistance under any federal, State, county, or local program, including, but not limited to, the Eviction Prevention Program, as revised pursuant to section 4 of P.L.2021, c.188 (C.52:27D-287.10).

c. Notwithstanding any law to the contrary, no person shall sell or assign any civil debt relating to rent that accrued during the covered period.

d. Any amount of rent due and owing either prior to the start of the covered period or after the covered period ends may be pursued in the manner allowed by law for any other landlord-tenant action for rent due outside of the covered period. The provisions of P.L.2021, c.188 (C.52:27D-287.7 et al.) shall not restrict a landlord from pursuing a money judgment action during the covered period, or following the covered period, for unpaid rent due during the covered period. An action by a landlord against a residential tenant to recover unpaid rent which accrued during the covered period may be commenced in the Superior Court, Special Civil Part, regardless of the amount in controversy. The Administrative Director of the Courts may take any administrative action as may be necessary to provide a process for filing these actions in the Superior Court, Special Civil Part.

(1) (a) Notwithstanding the provisions of this section to the contrary, any tenant of a very low-income household, a low-income household, or a moderate-income household shall have continued protections from evictions as those that are applicable during the covered period pursuant to subsections a. and b. of this section for residential rent arrearages incurred

from the end of the covered period through December 31, 2021 if the household certifies under penalty of perjury:

- (i) the household's income;
- (ii) that the household was unable to pay rent due to circumstances arising from the COVID-19 pandemic; and
- (iii) that the household has applied for State, county, or local rental assistance programs for which they are eligible.

(b) The certification required by subparagraph (a) of this paragraph shall be made on a form established by the department. The tenant shall provide a copy of the completed form to the landlord, and, if there is a pending eviction action, to the court.

(2) The Administrative Director of the Courts shall provide notice to any residential tenant who is party to a landlord-tenant dispute for nonpayment of rent that includes information regarding tenant protections, income and COVID-19 impact attestation, and rental assistance programs established pursuant to P.L.2021, c.188 (C.52:27D-287.7 et al.).

e. All pending eviction actions alleging nonpayment or habitual late payment of residential rent, or failure to pay a rent increase, that accrued during the covered period shall be dismissed upon certification by the tenant, under penalty of perjury, in accordance with subparagraph (b) of paragraph (1) of subsection d. of this section that the tenant is a very low-income household, low-income household, moderate-income household, or middle-income household and that the reason for filing was nonpayment or habitual late payment of rent, or failure to pay a rent increase, during the covered period.

f. If a case is dismissed and the landlord is required to subsequently file against the same tenant, the landlord may request that the case be reinstated with the court. In such circumstances the landlord shall pay the fees to serve the amended action, but no court filing fees shall be required.

g. A tenant in such an action shall retain the right to assert any and all counterclaims, setoffs, legal defenses, affirmative defenses, and equitable defenses that would otherwise be available to them.

h. As a condition of receiving any State or federal rental assistance on behalf of a tenant for rent due and owing, a landlord shall waive all late fees assessed for rent unpaid during the period for which assistance is being provided.

i. (1) Consistent with the provisions of 15 U.S.C. s.1681s-2(a)(1)(F), a landlord shall not at any time furnish information about the nonpayment or late payment of residential rent, or failure to pay a rent increase, which accrued during the covered period, or summary dispossess or other court filings or proceedings related to non-payment or late payment of residential rent which accrued during the covered period, directly to another residential landlord, or to a debt collection or credit reporting agency. This paragraph shall not:

(a) apply to a tenant's rent payments that remain due as the result of a payment missed prior to the March 1, 2020, including payments held in escrow before that date; or

(b) limit the ability of a landlord to share information with the landlord's attorney or property management company, or to notice the tenant in compliance with the Anti-Eviction Act, P.L.1974, c.49 (C.2A:18-61.1 et seq.).

(2) As a result of any record or information reflecting a tenant's non-payment or late payment of residential rent, or a related court filing, during the covered period, a landlord shall not:

- (a) refuse to rent to a prospective tenant of residential rental housing; or
- (b) place, or disseminate a residential tenant's information for the purpose of placing, a tenant on a list for the use of other landlords for any purpose.

(3) In addition to a tenant's right to pursue an action seeking injunctive or declaratory relief for a violation of this subsection, the Attorney General, in response to a complaint from a tenant, or on the Attorney General's independent initiative, may bring an action alleging a landlord has violated the provisions of this subsection. Regarding a first violation, the court shall provide the landlord with an opportunity to correct the violation prior to imposing a penalty. Following the provision of this opportunity to correct any first violation, upon a finding that non-compliance with this subsection has occurred, a court of competent jurisdiction may:

(a) order the non-compliant landlord to retract the report of debt or court filing data provided to the collection or credit reporting agency, bureau, or data collection facility;

(b) impose a fine on the non-compliant landlord, not to exceed \$500 for a first violation, \$1,000 for a second violation, and \$2,500 for each subsequent violation;

(c) order the non-compliant landlord to pay a reasonable counsel fee in connection with a tenant whose debt has been reported to a debt collection or credit reporting agency, bureau, or data collection facility;

(d) provide a copy of the order immediately upon the request of the tenant and at no cost to the tenant;

(e) order the non-compliant landlord to take such steps as are necessary, within 30 days of the order, to rehabilitate the credit record of the tenant, with an exact copy provided to the tenant at no cost, of the efforts made in that regard; and

(f) if the tenant is able to show actual damages that have resulted from a violation of this section, order the non-compliant landlord to pay an award of damages to the tenant not to exceed 25 percent of the debt attempted to be collected or reported by the non-complaint landlord to the collection or credit reporting agency, bureau, or data collection facility, with a minimum award of \$350.

(4) If a landlord furnishes rental payment data to another landlord, collection or credit reporting agency related to the non-payment of rent during the covered period, but before the enactment of P.L.2021, c.188 (C.52:27D-287.7 et al.), the landlord shall not be subject to the penalty provisions of this section, except for an order to retract the report pursuant to paragraph (3) of this subsection.

C.52:27D-287.10 "Eviction Prevention Program."

4. a. The commissioner shall establish an "Eviction Prevention Program" to provide rental relief for New Jersey residents who have been or continue to be unable to pay rent because of financial hardship directly or indirectly incurred because of the COVID-19 pandemic.

b. The commissioner shall administer the program in accordance with the following principles, and, notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall publish regulatory guidance to that effect:

(1) The Eviction Prevention Program shall be considered a supplement to the COVID-19 Emergency Rental Assistance Program Phase II (CVERAP II) program opened by the department on March 22, 2021. Accordingly, to the greatest extent allowable and feasible, the department should utilize programmatic infrastructure, processes, and vendor contracts established under CVERAP II in order to administer relief under the Eviction Prevention Program;

(2) a household shall be eligible to participate in the program if the household is unable to make residential rental payments which are due and owing pursuant to a valid and enforceable oral or written lease, stipulation of settlement, judgment, order or other type of legally binding agreement, because of a financial hardship sustained as a result of the COVID-19 pandemic;

(3) a household shall be eligible for assistance under this program regardless of whether the household has been served with a summons and complaint for eviction;

(4) a household shall be eligible for assistance if their annualized current income is no more than 120 percent of the area median income; however, the commissioner may establish funding priorities to benefit very low-income and low-income households;

(5) a household shall be eligible for assistance under this program although it may be unlikely for the household to have the ability to pay shelter costs after the period of assistance has ended;

(6) a household may utilize the assistance to pay current rent, accrued rent, and future rent, as determined by the department;

(7) the department shall award grants to be paid on behalf of eligible households to be applied to up to two years of rent, depending upon the person's or household's particular circumstances and available funds in the program. The department shall provide assistance along a continuum based upon the income level of the tenant household, and shall include deep subsidies, shallow subsidies, and flat amounts. Grants representing fewer than two years' worth of rental assistance may be renewed based on a renewed showing of need by the individual or household. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commissioner shall prepare detailed guidance covering the amount and duration of such grants. Any grants that are provided to cover ongoing rent shall be awarded in accordance with the following guidelines and principles:

(a) for a very low-income household, a deep subsidy may be provided in the amount necessary to limit the household's share of ongoing rent to not more than 30 percent of the household's income;

(b) for a low- or moderate- income household that is not also very low-income, a shallow subsidy may be provided in the amount necessary to limit the household's share of ongoing rent to not more than 30 percent of the household's income, provided, however, that the amount of any such subsidy shall not exceed \$800 per month;

(c) for a middle-income household, assistance in the form of a subsidy may be provided in the amount necessary to limit the household's share of ongoing rent to not more than 30 percent of the household's income, provided, however, that the amount of any such subsidy shall not exceed \$500 per month.

(8) To qualify for rental assistance under the program, households shall demonstrate that a person in the household:

(a) qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship, directly or indirectly, to the COVID-19 pandemic;

(b) demonstrates a risk of experiencing homelessness or housing instability;

(c) falls within a household income threshold that establishes eligibility for rental assistance under the program;

(d) has a lack of assets and savings to pay rent arrears or current and future rent;

(e) is a New Jersey resident; and

(f) is obligated to pay rent on a residential dwelling.

A household that has previously received rental assistance under CVERAP II may apply for additional assistance under the Eviction Prevention Program, but any additional grant of assistance shall take into account the rental assistance previously provided pursuant to CVERAP II.

(9) during the course of the payment period, if the department is notified by either the landlord or the program participant that a person or household has begun to experience difficulty

paying rent as a result of continued hardships suffered as a result of the COVID-19 pandemic, the household's income and family situation shall be reevaluated in light of the changed conditions, and the person or household shall be placed in a different assistance tier, if necessary, to prevent eviction;

(10) during the course of the payment period, a participant household shall certify the household's current income once every six months, using a brief form to be developed by the department, including any necessary attachments. Beginning the month following receipt of a certification, the department shall increase or decrease the amount of subsidy provided to the household in accordance with the subsidy category applicable to the most recent reported income, provided that limited non-recurring short term increases in income shall not require a subsidy adjustment; and

(11) during the course of the payment period, if a participant household experiences conditions that violate the implied warranty of habitability, the tenant may so certify those conditions to the department in writing. Based on the tenant's written certification, the department shall have an inspection conducted on the dwelling. Upon confirmation that the violation of the implied warranty of habitability exists, the department shall, after serving the landlord with written notification of such violation and providing the landlord with sufficient opportunity to cure, consider whether and in what amount to withhold rent based on those conditions.

c. Notwithstanding any other law or regulation to the contrary, any revisions to existing program regulations or operating procedures required by this section shall take effect immediately.

d. As soon as possible following the enactment of P.L.2021, c.188 (C.52:27D-287.7 et al.), and no later than August 31, 2021, the department shall implement a comprehensive public information plan to create awareness among eligible tenants of the assistance provided by the program and the provisions of section 3 of P.L.2021, c.188 (C.52:27D-287.9) prohibiting eviction and providing credit protection relating to nonpayment or habitual late payment of rent, or failure to pay a rent increase, during the covered period. This plan shall include but not be limited to public service announcements, information about the program in governmental notices and utility providers billings, notices to landlords as to how to assist their tenants in applying for the program, outreach to underserved populations, including, but not limited to providing all information in both English and Spanish, postings on social media, and any other means likely to ensure that tenants will be aware of the program's existence, tenant protections, tenant attestation, and the provisions of section 3 of P.L.2021, c.188 (C.52:27D-287.9). In addition, the department shall prepare a form notice, which shall include the tenant attestation, in languages including, but not limited to, English and Spanish, describing the program and the provisions of section 3 of P.L.2021, c.188 (C.52:27D-287.9) and shall distribute the notice to landlords for inclusion with any notice or complaint sent to a tenant related to an eviction for nonpayment of rent, habitual late payment, or failure to pay a rent increase, or an action seeking repayment of rental arrears pursuant to P.L.2021, c.188 (C.52:27D-287.7 et al.). The notice shall also be posted on the department's Internet website. Prior to the end of the covered period, the landlord shall post the form notice provided by the department in a conspicuous location within the common area of a multiple dwelling.

e. As soon as possible following the enactment of P.L.2021, c.188 (C.52:27D-287.7 et al.), and no later than August 31, 2021, the commissioner shall start accepting applications for assistance through the Eviction Prevention Program, as revised pursuant to this section.

(1) A program application shall state the monthly rent as established in the lease or other rental agreement, the amount of rent paid by the tenant or third parties, if any, the amount of rent unpaid, the amount of security deposit funding that the tenant has applied against rent pursuant to Executive Order No. 128 of 2020, and any other information required by the department for determining financial need.

(2) An application shall include a certification by the tenant as to:

(a) the number of occupants of the unit;

(b) the tenant household's income; and

(c) if a specific funding source is involved, a certification and any documentation providing the minimum amount of information needed to comply with the requirements of that funding source.

The commissioner shall make the application forms and related verification requirements as simple as possible, shall require the minimum documentation permissible by said funding sources, and shall rely on self-certification and verification to the greatest extent possible. Any certifications made by a tenant under this program shall remain confidential to the maximum extent possible.

f. The program established by this section shall work closely with the Office of Eviction Prevention established by section 5 of P.L.2021, c.188 (C.52:27D-287.11) in order to (1) ensure that tenants receive the maximum assistance for which they are qualified to avoid displacement and retain or obtain decent, affordable, safe and suitable housing; and (2) ensure that all available sources of potential assistance are explored and utilized in order to effectively and efficiently extend the reach and efficacy of the funding provided to this program by the State.

C.52:27D-287.11 "Office of Eviction Prevention."

5. a. Within 60 days of the enactment of P.L.2021, c.188 (C.52:27D-287.7 et al.), the department shall establish an "Office of Eviction Prevention," which shall be responsible for:

(1) identifying all federal, State, local and other sources of financial assistance which are intended or could be used to prevent the eviction of residential tenants, including but not limited to programs which provide both deep and shallow rental subsidies;

(2) becoming knowledgeable with regard to the application process for each such program; and

(3) identifying, and proposing remedies for, the gaps in the overall assistance system, especially in relation to eligibility requirements and the need for addition to, or revision of, subsidy programs so as to provide appropriate assistance of various sorts and in various amounts to households at different income levels.

b. This office shall be responsible for the compilation, publication, and ongoing update of this information, and shall also be responsible for working collaboratively with at least one non-profit, community-based organization in each county so that such organizations are able to provide information regarding the availability of and means of accessing such financial assistance by at-risk tenants.

6. Section 1 of P.L.2020, c.1 (C.2A:18-59.3) is amended to read as follows:

C.2A:18-59.3 Eviction, foreclosure prohibited during certain emergency circumstances.

1. a. (1) Notwithstanding any other law to the contrary, whenever a Public Health Emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.) has been declared by the Governor in response to the COVID-19 pandemic and is in effect, the Governor may issue an executive order to declare that a lessee, tenant,

homeowner or any other person shall not be removed from a residential property as the result of an eviction or foreclosure proceeding. This executive order shall remain in effect for no longer than two months following the end of the Public Health Emergency except as provided in paragraphs (2) and (3) of this subsection.

(2) (a) For eviction actions based upon reasons other than nonpayment or habitual late payment of rent, or failure to pay a rent increase, Executive Order No. 106 of 2020 shall expire upon the effective date of P.L.2021, c.188 (C.52:27D-287.7 et al.).

(b) For eviction actions based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, Executive Order No. 106 of 2020 shall expire on August 31, 2021, for any lessee or tenant who is not a very low-income, low-income, or moderate-income household.

(c) For eviction actions based upon nonpayment or habitual late payment of rent, or failure to pay a rent increase, Executive Order No. 106 of 2020 shall expire on December 31, 2021, for any lessee or tenant who is a very low-income, low-income, or moderate-income household. Provided, however, that the protections conferred on such tenants by this section shall expire on August 31, 2021, to the extent that such tenants do not comply with the certification requirements of subsection d. of section 3 of P.L.2021, c.188 (C.52:27D-287.9).

(d) To the extent that it prohibits the removal from a residential property as a result of a foreclosure proceeding of any homeowner, Executive Order No. 106 of 2020 shall expire on November 15, 2021.

(e) The Governor shall have the ability to revoke or modify Executive Order No. 106 of 2020 prior to December 31, 2021 in a manner not inconsistent with the provisions of this section.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, Executive Order No. 106 of 2020 may be extended pursuant to the procedures set forth in subsection b. of section 3 of P.L.2021, c.103, if there is substantial evidence that hospitalizations and deaths due to the COVID-19 pandemic are likely to recur or substantially worsen if an extension is not ordered.

b. Eviction and foreclosure proceedings may be initiated or continued during the time of an executive order issued pursuant to this section, but enforcement of all judgments for possession, warrants of removal, and writs of possession shall be stayed during this period if the Governor has issued an executive order prohibiting certain removals from residential property pursuant to subsection a. of this section, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice.

c. Sheriffs, court officers, and their agents shall refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time of an executive order issued by the Governor prohibiting certain removals from residential property pursuant to subsection a. of this section, unless the court determines on its own motion or motion of the parties that removal is necessary in the interest of justice.

d. As used in this section, "residential property" means any property rented or owned for residential purposes, including, but not limited to, any house, building, mobile home or land in a mobile home park, or tenement leased for residential purposes, but shall not include any hotel, motel, or other guest house, or part thereof, rented to a transient guest or seasonal tenant, or a residential health care facility.

7. The following sums are appropriated from the funds provided to the State by the United States government for the purpose of providing relief to tenants affected in any way due to the COVID-19 pandemic: for the "Eviction Prevention Program" the sum of \$750,000,000; for the

Office of Eviction Prevention the sum of \$5,000,000. Of the monies appropriated, the department shall use \$500,000,000 as assistance for very-low, low-, moderate-, and middle-income tenants. The remainder may be used as utility assistance. The department may use up to 2.5 percent of the sums appropriated pursuant to this section for the purpose of funding those actions needed to effectively implement and administer the Eviction Prevention Program, \$2,000,000 million of which shall be provided to nonprofit organizations for supporting the education and outreach for this program. Households otherwise ineligible for assistance using federal funds shall be assisted with State funds.

8. Section 14 of P.L.1991 c.177 (C.22A:2-37.1) is amended to read as follows:

C.22A:2-37.1 Special Civil Part of Superior Court, Law Division fees.

14. a. In all civil actions and proceedings in the Special Civil Part of the Superior Court, Law Division, only the following fees shall be charged by the clerk and no service shall be performed until the specified fee has been paid:

- | | |
|---|---------|
| (1) Filing of small claim, one defendant | \$15.00 |
| Each additional defendant | \$ 2.00 |
| (2) Filing of complaint in tenancy,
one defendant | \$25.00 |
| Each additional defendant | \$ 2.00 |
| (3) (a) Filing of complaint or other initial
pleading containing a counterclaim, cross-claim
or third party complaint in all other civil actions,
whether commenced without process or by summons,
capias, replevin or attachment where the amount
exceeds the small claims monetary limit | \$50.00 |
| Each additional defendant | \$ 2.00 |
| (b) Filing of complaint or other initial
pleading containing a counterclaim, cross-claim
or third party complaint in all other civil actions,
whether commenced without process or by summons,
capias, replevin or attachment where the amount
does not exceed the small claims monetary limit | \$32.00 |
| Each additional defendant | \$ 2.00 |
| (4) Filing of appearance or answer
to a complaint or third party complaint in all
matters except small claims | \$15.00 |

(5) Service of Process: Fees for service of process, including: summons by mail, each defendant; summons by mail each defendant at place of business or employment with postal instructions to deliver to addressee only; reservice of summons by mail, each defendant; postage for substituted service of process by the clerk upon the Chief Administrator of the New Jersey Motor Vehicle Commission in addition to the substituted service fee provided below; and wage execution by mail to a federal agency, shall be set by the Administrative Director of the Courts. The fee for service of process shall not exceed the postal rates for ordinary and certified mail, return receipt requested, and may include an administrative fee that shall not exceed \$0.25 for each defendant served with process by mail. The total service of process fee shall be rounded upward to the nearest dollar. For the purposes of this

paragraph, service of process means the simultaneous mailing by ordinary and certified mail, return receipt requested, to the defendant at the address provided by the plaintiff.

Reservice of summons or other original process by

court officer, one defendant \$ 3.00

plus mileage

Each additional defendant \$ 2.00

plus mileage

Substituted service of process by the clerk upon
the Chief Administrator of the

New Jersey Motor Vehicle Commission \$10.00

(6) For serving or executing any process, writ, order,
execution, notice, or warrant \$ 7.00

(7) Jury of six persons \$50.00

(8) Warrant for possession in tenancy \$15.00

(9) Warrant to arrest, commitment

or writ of capias ad respondendum, each defendant \$15.00

(10) Writ of execution or an order in
the nature of execution, writs of replevin and
attachment issued subsequent to summons \$ 5.00

(11) For advertising property under execution
or any order \$10.00

(12) For selling property under
execution or any order \$10.00

(13) Exemplified copy of judgment
(two pages) \$ 5.00
each additional page \$ 1.00

b. (Deleted by amendment, P.L.2002, c.34).

c. (Deleted by amendment, P.L.2002, c.34).

d. (Deleted by amendment, P.L.2009, c.32).

9. Section 15 of P.L.1991, c.177 (C.22A:2-37.2) is amended to read as follows:

C.22A:2-37.2 Fees to officers designated by Assignment Judge to serve process.

15. a. From the fees set forth in section 14 of P.L.1991, c.177 (C.22A:2-37.1), the clerk of the Special Civil Part of the Superior Court, Law Division, shall pay to officers designated by the Assignment Judge to serve process the following fees:

(1) Serving summons, notice or
third party complaint on one defendant \$ 3.00

on every additional defendant \$ 2.00

(2) Reserving summons or other
original process on any defendant \$ 3.00

(3) Warrant to arrest, capias, or
commitment, for each defendant served \$15.00

(4) Serving writ and summons in
replevin, taking bond and any inventory, against
one defendant \$ 6.00

on every additional defendant \$ 2.00

(5) Serving writ in replevin when
issued subsequent to service of summons,
against one defendant \$ 5.00
on every additional defendant \$ 2.00

(6) Serving order for possession
in replevin \$ 4.00

(7) Serving writ of attachment and
making inventory, one defendant \$ 4.00
on every additional defendant \$ 2.00

(8) Serving and executing warrant
for possession in tenancy \$10.00

(9) Every execution, or any order in
the nature of an execution, on a judgment, for
each defendant \$ 2.00

b. For serving or executing any process, writ, order, execution, notice or warrant \$ 7.00

c. In addition to the foregoing, the following fees for officers of the Special Civil Part shall be taxed in the costs and collected on execution, writ of attachment or order in the nature of any execution on any final judgment, or on a valid and subsisting levy of an execution or attachment which may be the effective cause in producing payment or settlement of a judgment or attachment:

(1) For advertising property
under execution or any order \$10.00

(2) For selling property under
execution or any order \$10.00

(3) On every dollar collected on
execution, writ of attachment, or any order, \$ 0.10.

(4) In the event a judgment is vacated for any reason after a court officer has made a levy and thereafter the judgment is reinstated or the case is settled, the dollarage due the court officer on payment of the judgment amount or settlement amount again shall be taxed in the costs and collected.

d. In addition to the foregoing, the clerk of the Special Civil Part shall pay to officers designated by the Assignment Judge to serve wage executions on a federal agency an amount equal to the fee set by either the Administrative Director of the Courts pursuant to paragraph (5) of subsection a. of section 14 of P.L.1991, c.177 (C.22A:2-37.1) or set pursuant to subsection d. of that section, whichever then may be applicable, for each wage execution served.

10. This act shall take effect immediately.

Approved August 4, 2021.